

TITLE 54
PROFESSIONS, VOCATIONS, AND BUSINESSES

CHAPTER 3
ARCHITECTS

54-301. SHORT TITLE. This chapter shall be known and may be cited as the "Idaho Architecture Practice Act."

[54-301, added 2018, ch. 129, sec. 2, p. 270.]

54-302. LEGISLATIVE INTENT. The practice of architecture in the state of Idaho is hereby declared to affect the public health, safety and welfare and to be subject to regulation and control in the public interest to protect the public from the unprofessional, improper, unauthorized and unqualified practice of architecture and from unprofessional conduct by persons licensed to practice architecture. This act should be liberally construed to carry out these objectives and purposes.

[54-302, added 2018, ch. 129, sec. 2, p. 270.]

54-303. DEFINITIONS. As used in this chapter:

(1) "Architect" means a person who engages in the practice of architecture as defined in this section and is licensed under the provisions of this chapter.

(2) "Architectural intern" means a person enrolled in a national council of architectural registration boards' architectural experience program and who, in fulfillment of the requirements of that program, is working under the direct supervision of an architect licensed under this chapter.

(3) "Board" means the board of architectural examiners.

(4) "Building" means an enclosure, including related improvements, that has as its principal purpose the adaptation of space for occupancy or habitation by human beings.

(5) "Practice of architecture" means rendering or offering those services described in this subsection in connection with the design, construction, enlargement or alteration of a building or a group of buildings. The services covered within this definition include architectural planning, advice and consultation; providing preliminary studies; architectural designs, drawings and specifications; technical submissions; and administration of construction contracts.

(6) "Prototypical building" means any commercial building or space within a commercial building that is intended to be constructed in multiple locations, that has been constructed in multiple locations and that conveys an owner's intended uniform business program, plan or image.

(7) "Prototypical building documents" means technical submissions for prototypical buildings that:

(a) Are prepared by or under the responsible control of an architect then licensed in any jurisdiction and holding the certification issued by the national council of architectural registration boards;

(b) Identify the architect, together with the architect's license number and jurisdiction or the architect's license and national council of architectural registration boards certification number; and

(c) Are marked "prototypical design documents not for construction." Prototypical building documents do not comprise a final, comprehensive

set of design and construction documents because a prototypical building also requires adaptations for local conditions, including site conditions and may require additional design.

(8) "Responsible control" means that amount of control over and detailed knowledge of the content of technical submissions during their preparation as is ordinarily exercised by registered architects applying the required professional standard of care. Reviewing, or reviewing and correcting, technical submissions after they have been prepared by others does not constitute the exercise of responsible control because the reviewer has neither control over nor detailed knowledge of the content of such submissions throughout their preparation.

(9) "Technical submissions" involving the practice of architecture consist of designs, drawings, specifications, studies and other technical reports prepared in the course of practicing architecture.

[54-303, added 2018, ch. 129, sec. 2, p. 270.]

54-304. ARCHITECT'S SEAL. (1) Every licensed architect shall have a seal, the impression of which must contain the name and Idaho architect license number of the architect and the words "licensed architect" and "state of Idaho," with which he shall seal all technical submissions issued from his office.

(2) The seal, signature and date may be manually or electronically applied. Whenever the seal is applied to a technical submission, the signature of the architect and the date thereof shall be written adjacent to or across the seal. The signature, date and seal shall appear on all technical submissions prepared by the architect or that meet the requirements set forth in subsection (4) of this section. Only the title page of reports, specifications and like documents must bear the date and the seal and signature of the architect. It is the responsibility of the architect sealing the document to provide adequate security when documents with electronic seals are distributed. Electronically produced documents distributed for informational uses, such as for bidding purposes or as working copies, may be issued with only the architect's seal if:

- (a) The copy includes a notice that the original document is on file with the date and architect's signature;
- (b) The words "original signed by" and "date original signed" are placed adjacent to or across the seal on the electronic document; and
- (c) The storage location of the original document is identified.

The design and use of the seal shall be as required by board rule.

(3) Technical submissions involving the practice of architecture that are submitted to any public or governmental agency for the purpose of obtaining a building permit that are not clearly identified by the affixed seal of the architect and the signature of the architect and date thereof shall be deemed unacceptable submissions for the purpose of obtaining a building permit.

(4) An architect may sign and seal technical submissions only if the technical submissions were:

- (a) Prepared by the architect;
- (b) Prepared by persons under the architect's responsible control;
- (c) Prepared by another architect licensed in Idaho if the signing and sealing architect has reviewed the other architect's work and either has coordinated the preparation of the work or has integrated the work into his own technical submissions; or

(d) Prepared by another architect licensed in any state and holding the certification issued by the national council of architectural registration boards if:

(i) The signing and sealing architect has reviewed the other architect's work and has integrated the work into his own technical submissions; and

(ii) The other architect's technical submissions are prototypical building documents.

(5) An architect may sign and seal drawings, specifications or other work that is not required to be prepared by an architect if the architect has reviewed the work and has integrated it into his own technical submissions.

(6) Any licensed architect signing or sealing technical submissions not prepared by that architect but prepared under the architect's responsible control by persons not regularly employed in the office where the architect is resident shall maintain and make available to the board upon request, for at least five (5) years following the signing and sealing, adequate and complete records demonstrating the nature and extent of the architect's control over and detailed knowledge of the technical submissions throughout their preparation. Any licensed architect signing or sealing technical submissions integrating the work of another architect into the registered architect's own work, as permitted under subsection (4) (c) or (d) of this section, shall maintain adequate and complete records demonstrating the nature and extent of the registered architect's review of and integration of the work of the other architect into his own technical submissions and that such review and integration met the required professional standard of care. Such records shall be maintained and made available to the board, upon request, for at least five (5) years following the signing and sealing of the technical submissions.

[54-304, added 2018, ch. 129, sec. 2, p. 271.]

54-305. LICENSE REQUIRED. (1) Every person practicing or offering to practice architecture as defined in this chapter and not otherwise exempted shall have a separate license under his own name. A license shall not be issued in the name of any firm or corporation.

(2) The holder of a license shall not maintain in the practice of architecture any person who does not hold a license to practice architecture in this state, unless the unlicensed person works under the responsible control of his licensed supervisor.

[54-305, added 2018, ch. 129, sec. 2, p. 272.]

54-306. EXEMPTIONS. Nothing contained in this chapter shall be held or construed to have any application to, or to prevent or affect, the following:

(1) The practice of engineering or any other profession or trade for which a license is required under any law of this state, or the practice of consultants, officers and employees of the United States while engaged solely in the practice of architecture for said government.

(2) Draftsmen, students, clerks of work, project representatives and others working under the supervision of those lawfully practicing as architects under the provisions of this chapter from acting under the instruction, control or supervision of their supervisors, or to prevent the employment of clerks of work or inspectors of buildings paid by the owners from act-

ing, if under the control or direction of a licensed architect who has prepared the drawings and specifications for the building.

(3) The rendering of any architectural service required in the erection, enlargement, alteration or repair of any building, where the building is to be or is used as a single or multiple family residence not exceeding three (3) units or three (3) stories in height; or as a farm building; or for the purpose of outbuildings or auxiliary buildings in connection with the residential or farm premises.

(4) The rendering of any architectural service required in the erection, enlargement, alteration or repair of any building that does not involve the public health or safety.

(5) The preparation of shop drawings by persons other than architects for use in connection with the execution of their work; or the preparation of drawings of fixtures or other appliances or equipment, or for any work necessary to provide for their installation.

(6) Expert consultation rendered to an architect by a consultant, whether licensed or not, employed by the architect to consult, advise and assist as long as the architect approves, adopts and is responsible for the results of the consultation, advice and assistance.

(7) An intern working under the supervision of a licensed architect, including the use of the title "architectural intern," as may be established and limited by board rule.

[54-306, added 2018, ch. 129, sec. 2, p. 272.]

54-307. BOARD -- ORGANIZATION AND MEETINGS. (1) There is hereby created in the department of self-governing agencies a board of architectural examiners.

(2) The board shall consist of six (6) members, five (5) of whom shall be architects and shall have been residents of and lawfully practicing architects within the state of Idaho for a period of at least five (5) years directly preceding appointment, and one (1) of whom shall be a member of the public with an interest in the rights of the consumers of architectural services. At all times, the board shall have at least one (1) member who is engaged primarily in professional architectural education.

(3) The regular term of office of a member shall begin as of the first Monday immediately following the date of his appointment and shall continue for five (5) years thereafter and until his successor shall have been appointed and accepted his appointment. A member appointed to fill a vacancy occasioned otherwise than by expiration of a term shall serve the unexpired term of his predecessor. No members shall be appointed for a period exceeding two (2) consecutive terms. Any member who has served two (2) consecutive terms may be reappointed after a lapse of five (5) years from the termination date of his last term.

(4) Board members shall be appointed by the governor and shall serve at the pleasure of the governor.

(5) In the event of death, resignation, incapacity, disqualification or removal, a vacancy in membership shall be declared by the board and filled for the unexpired portion of the term in the same manner as the original appointment.

(6) The board shall, at least annually, hold a meeting and elect a chairman. The board may hold additional meetings at the call of the chairman or at the request of any two (2) members of the board.

(7) A majority of the members of the board shall constitute a quorum.

(8) Members of the board shall receive an honorarium and be reimbursed for expenses as provided in section [59-509](#)(p), Idaho Code.

[54-307, added 2018, ch. 129, sec. 2, p. 273.]

54-308. BOARD -- POWERS. The board shall have, in addition to the powers conferred elsewhere in this chapter, the following powers:

(1) To authorize, by written agreement, the bureau of occupational licenses to act as its agent in its interests and, at its discretion, to contract with the bureau of occupational licenses for those services deemed necessary for the proper administration of this chapter;

(2) To adopt, pursuant to the administrative procedure act, such rules as are necessary for the administration and enforcement of this chapter, including a code of ethics and standards of practice;

(3) To maintain records necessary to carry out its duties under this chapter;

(4) To adopt rules setting the qualifications and fitness of applicants for licensure under this chapter;

(5) To approve continuing education courses and prescribe by rule the minimum number of continuing education hours required of each licensee seeking to obtain or renew an architect's license in the state of Idaho;

(6) To examine for, deny, approve, issue, revoke, suspend or otherwise discipline licenses pursuant to this chapter and to conduct investigations and hearings in connection with such actions, in accordance with the provisions of [chapter 52, title 67](#), Idaho Code;

(7) To establish a procedure for an applicant to request an exemption review for a felony or lesser crime conviction. The applicant shall bear the burden and financial responsibility of providing all evidence, documentation and proof of suitability for licensure required by the board for exemption review;

(8) To administer or have its designee administer oaths or affirmations to witnesses in any proceeding authorized by this chapter;

(9) (a) To engage in discovery as provided in the Idaho rules of civil procedure and [chapter 52, title 67](#), Idaho Code, including, but not limited to, the power to take depositions of witnesses within or without the state in the manner provided by law in civil cases, and to require the attendance of witnesses and the production of books, records and papers as it may desire at any hearing before it of any matter that it has authority to investigate, and for that purpose the board or its designated hearing officer may issue a subpoena for any witness or a subpoena duces tecum to compel the production of any books, records or papers, directed to the sheriff of any county of the state of Idaho where the witness resides or may be found, which shall be served and returned in the same manner as a subpoena in a criminal case is served and returned. The licensed person accused in the proceedings shall have the same right of subpoena upon making application to the board.

(b) The fees and mileage of the witnesses shall be the same as that allowed in the district courts in criminal cases and will be paid from the occupational licenses account in the same manner as other expenses of the board are paid.

(c) In any case of disobedience to, or neglect of, any subpoena or subpoena duces tecum served upon any person, or the refusal of any witness to testify to any matter regarding which he may be interrogated, it shall be the duty of the district court, or any judge thereof, of any

county in this state in which the disobedience, neglect or refusal occurs, upon application by the board, to compel obedience by proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from the court or for refusal to testify; and

(10) To take such action as may be necessary to enforce the provisions of this chapter and to regulate the practice of architecture.

[54-308, added 2018, ch. 129, sec. 2, p. 273.]

54-309. QUALIFICATIONS FOR LICENSURE. (1) An applicant shall be eligible to be licensed as an architect if the applicant:

(a) Passes all examination divisions of the architectural registration examination (ARE) or an examination that is approved by the board; and
(b) Has completed an architectural experience program deemed satisfactory to the board indicating that the applicant is competent to practice architecture.

(2) A person is eligible to take the ARE if that person:

(a) Holds a professional degree in architecture from a program that is accredited by the national architectural accrediting board or that is approved by the board; and
(b) Has started or completed an architectural experience program deemed satisfactory to the board.

(3) In lieu of holding a professional degree in architecture as required by subsection (2) (a) of this section, an applicant may provide to the board satisfactory evidence of knowledge and skill approximating that attained through graduation from an approved architectural curriculum by showing a specific record of eight (8) or more years of experience in architectural work of a character deemed satisfactory to the board. This experience may also include that necessary to satisfy the architectural work experience program requirements of subsections (1) (b) and (2) (b) of this section.

[54-309, added 2018, ch. 129, sec. 2, p. 274.]

54-310. LICENSE BY ENDORSEMENT. The board may grant a license to any person who, at the time of application, holds a valid and current license in good standing as an architect issued by the authorized regulatory entity of another state, territory or jurisdiction of the United States, provided that the requirements for licensure are substantially equivalent to the requirements for licensure under this chapter, and upon payment of a fee set in rule by the board.

[54-310, added 2018, ch. 129, sec. 2, p. 275.]

54-311. TEMPORARY LICENSE. (1) The board may grant a temporary license to any person who, for the purpose of offering to render architectural services and for that purpose only, has submitted to the board a complete application for an architect's license under this chapter and who, at the time of application, holds a valid and current license in good standing as an architect issued by the authorized regulatory entity of another state, territory or jurisdiction of the United States.

(2) A temporary license is valid for six (6) months from the date it is issued. A temporary license is nonrenewable and shall expire automatically upon issuance of a full initial license.

[54-311, added 2018, ch. 129, sec. 2, p. 275.]

54-312. RENEWAL AND REINSTATEMENT. All licenses issued under the provisions of this chapter, except for temporary licenses, shall be for a term of one (1) year and shall expire on the birthday of the licensee unless renewed in the manner prescribed by rule. License renewal and reinstatement shall be in accordance with section [67-2614](#), Idaho Code.

[54-312, added 2018, ch. 129, sec. 2, p. 275.]

54-313. FEES. (1) The board shall establish by rule the following fees for licensure under the provisions of this chapter:

- (a) An application fee;
- (b) A license fee;
- (c) An endorsement license fee;
- (d) A temporary license fee;
- (e) An annual renewal fee; and
- (f) A reinstatement fee as provided in section [67-2614](#), Idaho Code.

(2) All fees received under the provisions of this chapter shall be nonrefundable and shall be deposited in the state treasury to the credit of the occupational licenses account in the dedicated fund. All costs and expenses incurred by the board for the administration of this chapter shall be a charge against and paid from the account, and the funds collected hereunder shall be immediately available for such purposes, the provisions of any other law notwithstanding.

[54-313, added 2018, ch. 129, sec. 2, p. 275.]

54-314. DISCIPLINE -- INJUNCTION. (1) The board shall have the authority to sanction any license issued pursuant to the provisions of this chapter for any of the following:

- (a) Fraud or deception in applying for, procuring or renewing a license under this chapter;
- (b) Fraud or deceit in the practice of architecture or in procuring any contract in the practice of architecture;
- (c) Incompetence or gross negligence or recklessness in the practice of architecture;
- (d) A conviction, finding of guilt, receipt of a withheld judgment or suspended sentence in this or any other state, territory, country or jurisdiction for a felony or a misdemeanor, which misdemeanor involved a violation of the provisions of this chapter, a willful violation of state or local building codes, or a violation of other laws relating to the public health and safety and that were committed in the course of practicing architecture;
- (e) Affixing his signature to, or impressing his seal upon, any plans, drawings, specifications or other instruments of service that have not been prepared by him, or under his responsible control, or permitting his name to be used for the purpose of assisting any person who is not a licensed architect to evade the provisions of this chapter;
- (f) Receiving rebates, commissions, grants of money or other favors in connection with the work, without the knowledge of the party for whom he is working, or having a pecuniary interest in the performance of the contract for the work designed, planned or supervised by him without the knowledge and consent of the owner;

- (g) Unethical or unprofessional conduct as defined by the rules of the board or the code of ethics established by the rules of the board;
 - (h) Practicing architecture or representing oneself as a licensed architect when unlicensed, in violation of licensing laws of the jurisdiction in which the conduct took place;
 - (i) Having had any professional or occupational license revoked, suspended or otherwise disciplined in Idaho or any other state, territory, country or jurisdiction;
 - (j) Failing to maintain the requirements for a license, including not fulfilling the continuing education requirement for license renewal established by the board in rule;
 - (k) Failing to comply with a board order; or
 - (l) Violating any of the provisions of this chapter or any of the rules promulgated by the board under the authority of this chapter.
- (2) Sanctions that the board may impose include one (1) or more of the following:
- (a) Refusal to grant or renew a license;
 - (b) Revocation of a license;
 - (c) Suspension of a license for a period not to exceed two (2) years;
 - (d) Restriction of a license to prohibit the offender from performing certain acts or from engaging in the practice of architecture in a particular manner for a period not to exceed two (2) years;
 - (e) Placement of the offender on probation and supervision by the board for a period not to exceed two (2) years; and
 - (f) Imposition of an administrative fine not to exceed two thousand dollars (\$2,000) per violation.
- (3) The procedures for disciplinary proceedings shall be in compliance with the Idaho administrative procedure act and the rules of the office of the attorney general and the bureau of occupational licenses.
- (4) The board or any resident citizen may maintain an action in equity in the name of the state of Idaho to enjoin perpetually any person, firm, company, corporation or partnership from persisting in the doing of any acts constituting a violation of this chapter. Such action shall be brought in the district court of the county in which said act or acts or some of them are claimed to have been or are being committed, by filing a complaint setting forth the acts. The court, or a judge thereof at chambers, if satisfied from the complaint or by affidavits that the acts complained of have been or are being committed and will probably be persisted in, may issue a temporary writ enjoining the defendant from the commission of any such act or acts pending final disposition of the case. The case shall proceed as in other cases for injunction. If at the trial the commission of the act or acts by the defendant is established, and the court further finds that it is probable that the defendant will continue therein or in similar violations, the court, or a judge thereof at chambers, shall enter a decree perpetually enjoining the defendant from thereafter committing said or similar acts.

[54-314, added 2018, ch. 129, sec. 2, p. 276.]

54-315. CERTAIN ACTS A MISDEMEANOR. (1) The following acts shall be unlawful and punishable as a misdemeanor:

- (a) Practicing or offering to engage in the practice of architecture, as defined in this chapter, without having at the time of so doing a valid, unexpired, unrevoked and unsuspended license issued under this chapter;

(b) Aiding and abetting the unlicensed practice of architecture in this state; and

(c) Representing oneself to be an architect or implying that he is an architect, as defined in this chapter, through the use of the word architect, architecture, architectural or similar terms, without having at the time of so doing a valid architect's license issued under this chapter.

(2) The provisions of this section do not apply to:

(a) Persons who use the term "landscape architect"; or

(b) Persons previously licensed as an architect in good standing in this or in any other state, territory, country or jurisdiction whose license has lapsed based upon retirement, for the purpose of identifying the person's profession but not for the purpose of practicing architecture.

[54-315, added 2018, ch. 129, sec. 2, p. 277.]

54-316. SEVERABILITY. The provisions of this chapter are hereby declared to be severable and if any provision of this chapter or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining provisions of this chapter.

[54-316, added 2018, ch. 129, sec. 2, p. 277.]